

# CITY OF CARLSBAD

## Proposition G

(This proposition will appear on the ballot in the following form.)

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**G** Shall an initiative ordinance be adopted adding Chapter 21.64 to the Carlsbad Municipal Code which would RESTRICT THE RATE OF CONSTRUCTION OF RESIDENTIAL DWELLING UNITS in the City for ten years commencing January 1, 1987 to not more than 1,000 units in 1987, 750 units in 1988 and 500 units each year thereafter through 1996 with exceptions for the replacement of damaged or destroyed units and for low income or senior citizen projects. The City of Carlsbad shall vigorously defend any challenge to the validity or constitutionality of this ordinance inasmuch as this ordinance represents the desires of a majority of the voters of Carlsbad.

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### PROPOSED ORDINANCE

The People of the City of Carlsbad do ordain as follows:

That Title 21 of the Carlsbad Municipal Code shall be amended by the addition of Chapter 21.64 to restrict the rate of construction of residential dwelling units in the City for ten years commencing January 1, 1987.

1. The City of Carlsbad is experiencing intense residential development which is adversely affecting the capacity of schools to accommodate students, the capacity of city streets and local freeway systems to meet traffic needs, the semirural character of the community and the quality of life prevalent in Carlsbad. The people of Carlsbad are very much concerned about the City's rapid growth.

It is the intent of this chapter to obtain a lower rate of residential development; to permit effective advance planning and establishment of adequate municipal services such as schools, streets, parks, water, sewage, police and fire protection, and other customary services; to provide for a desirable amount of open space; to ensure availability of housing for a broad spectrum of population; and to prevent the deterioration of the quality of life prevalent in Carlsbad.

In approving development priority shall be given to the construction of residential dwelling units which have the least adverse impact upon the public facilities and services as well as the quality of life prevalent in Carlsbad as described in this section.

2. Commencing January 1, 1987 and continuing through December 31, 1996, the City of Carlsbad shall not allow the start of construction of more than 1,000 residential dwelling units in 1987, 750 residential dwelling units in 1988, and 500 residential dwelling units each year thereafter through 1996.

3. The limitations of Section 21.64.020 shall not apply to: a) Projects replacing damaged or destroyed dwellings on a one-for-one basis; b) Remodeling or additions to existing dwellings which do not result in an increase in the number of dwelling units; and c) Dwelling units of any low income or senior citizen projects funded or subsidized pursuant to the provisions of applicable federal or state law.

4. This chapter may be amended or repealed only by a majority of the voters voting at an election thereon.

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5. If any section, sentence, clause, phrase, part, or portion of this chapter is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. It is hereby declared that this chapter and each section, subsection, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sentences, clauses, phrases, parts, or portions be declared invalid or unconstitutional.

6. a) This chapter shall expire and be of no further force and effect on January 1, 1997; and b) The City Council shall place a measure on the ballot of the November 1996 general municipal election asking the City's electors if this chapter shall be extended until December 31, 2000 with a restriction on the construction of dwelling units not to exceed 500 units per year.

7. This chapter represents the will of a majority of the voters of Carlsbad and the City Council shall take all steps necessary to vigorously defend any challenge to the validity or constitutionality of this chapter."